

## § 96.160

satisfaction of the Administrator good cause as to why the account should not be closed.

[70 FR 25339, May 12, 2005, as amended at 71 FR 25384, Apr. 28, 2006]

### Subpart GG—CAIR NO<sub>x</sub> Allowance Transfers

SOURCE: 70 FR 25339, May 12, 2005, unless otherwise noted.

#### § 96.160 Submission of CAIR NO<sub>x</sub> allowance transfers.

A CAIR authorized account representative seeking recordation of a CAIR NO<sub>x</sub> allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the CAIR NO<sub>x</sub> allowance transfer shall include the following elements, in a format specified by the Administrator:

- (a) The account numbers for both the transferor and transferee accounts;
- (b) The serial number of each CAIR NO<sub>x</sub> allowance that is in the transferor account and is to be transferred; and
- (c) The name and signature of the CAIR authorized account representative of the transferor account and the date signed.

#### § 96.161 EPA recordation.

(a) Within 5 business days (except as provided in paragraph (b) of this section) of receiving a CAIR NO<sub>x</sub> allowance transfer, the Administrator will record a CAIR NO<sub>x</sub> allowance transfer by moving each CAIR NO<sub>x</sub> allowance from the transferor account to the transferee account as specified by the request, provided that:

- (1) The transfer is correctly submitted under § 96.160; and
  - (2) The transferor account includes each CAIR NO<sub>x</sub> allowance identified by serial number in the transfer.
- (b) A CAIR NO<sub>x</sub> allowance transfer that is submitted for recordation after the allowance transfer deadline for a control period and that includes any CAIR NO<sub>x</sub> allowances allocated for any control period before such allowance transfer deadline will not be recorded until after the Administrator completes the deductions under § 96.154 for the control period immediately before such allowance transfer deadline.

## 40 CFR Ch. I (7–1–10 Edition)

(c) Where a CAIR NO<sub>x</sub> allowance transfer submitted for recordation fails to meet the requirements of paragraph (a) of this section, the Administrator will not record such transfer.

#### § 96.162 Notification.

(a) *Notification of recordation.* Within 5 business days of recordation of a CAIR NO<sub>x</sub> allowance transfer under § 96.161, the Administrator will notify the CAIR authorized account representatives of both the transferor and transferee accounts.

(b) *Notification of non-recordation.* Within 10 business days of receipt of a CAIR NO<sub>x</sub> allowance transfer that fails to meet the requirements of § 96.161(a), the Administrator will notify the CAIR authorized account representatives of both accounts subject to the transfer of:

- (1) A decision not to record the transfer, and
  - (2) The reasons for such non-recordation.
- (c) Nothing in this section shall preclude the submission of a CAIR NO<sub>x</sub> allowance transfer for recordation following notification of non-recordation.

### Subpart HH—Monitoring and Reporting

SOURCE: 70 FR 25339, May 12, 2005, unless otherwise noted.

#### § 96.170 General requirements.

The owners and operators, and to the extent applicable, the CAIR designated representative, of a CAIR NO<sub>x</sub> unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in this subpart and in subpart H of part 75 of this chapter. For purposes of complying with such requirements, the definitions in § 96.102 and in § 72.2 of this chapter shall apply, and the terms “affected unit,” “designated representative,” and “continuous emission monitoring system” (or “CEMS”) in part 75 of this chapter shall be deemed to refer to the terms “CAIR NO<sub>x</sub> unit,” “CAIR designated representative,” and “continuous emission monitoring system” (or “CEMS”) respectively, as defined in § 96.102. The owner or operator of a unit that is not a CAIR NO<sub>x</sub> unit but that is monitored